

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-EIGHTH DAY—WEDNESDAY, MAY 7, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“But when one turns to the Lord, the veil is removed.” (2 Corinthians 3:16)

Gracious Lord, we thank You that You are our God and we ask that You open our eyes to see past the mess, past the confusion, past the hurtful, to the brilliance of possibilities that You can provide those who seek You. As we move through this day, help us meet the challenges it will bring, as You would have us act. And we pray for the Doughertys as Beverly undergoes surgery today; guide the hands of the surgeons and touch her body with Your healing power bringing her finally to health and wholeness. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Senate paused for a moment of silence for the families that have been affected by the recent storms.

The Journal of the previous day was read and approved.

Photographers from the Associated Press, KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the

day’s proceedings:

Present—Senators

| | | | |
|----------|-----------|-------------|-----------|
| Bartle | Bland | Bray | Caskey |
| Cauthorn | Champion | Childers | Clemens |
| Days | Dolan | Dougherty | Foster |
| Gibbons | Goode | Griesheimer | Gross |
| Jacob | Kennedy | Kinder | Klindt |
| Loudon | Mathewson | Nodler | Quick |
| Russell | Scott | Shields | Steelman |
| Stoll | Vogel | Wheeler | Yeckel—32 |

Absent with leave—Senators

Coleman DePasco—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 892, regarding Christopher Andrew Walters, Jefferson City, which was adopted.

REFERRALS

President Pro Tem Kinder referred **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**; and **SS** for **SCS** for **SB 346** to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SB 305, introduced by Senators Jacob and Steelman, entitled:

An Act to repeal section 144.020, RSMo, and to enact in lieu thereof one new section relating to sales taxes on health and fitness centers.

Was taken up by Senator Jacob.

On motion of Senator Jacob, **SB 305** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-------------|---------|----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Mathewson | Nodler | Russell | Scott |
| Shields | Steelman | Stoll | Vogel |
| Wheeler | Yeckel—30 | | |

NAYS—Senators—None

Absent—Senators

| | |
|-------|---------|
| Bland | Quick—2 |
|-------|---------|

Absent with leave—Senators

| | |
|---------|-----------|
| Coleman | DePasco—2 |
|---------|-----------|

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for SB 307, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 307

An Act to repeal section 208.565, RSMo, and to enact in lieu thereof one new section relating to the senior Rx program, with an emergency clause.

Was taken up by Senator Steelman.

On motion of Senator Steelman, **SCS for SB 307** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|----------|----------|---------|----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |

| | | | |
|-----------|-------------|----------|---------|
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Mathewson | Nodler | Quick | Russell |
| Scott | Shields | Steelman | Stoll |
| Vogel | Yeckel—30 | | |

NAYS—Senators—None

Absent—Senators

| | |
|-------|-----------|
| Bland | Wheeler—2 |
|-------|-----------|

Absent with leave—Senators

| | |
|---------|-----------|
| Coleman | DePasco—2 |
|---------|-----------|

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

| | | | |
|----------|-----------|-------------|-----------|
| Bartle | Bland | Bray | Caskey |
| Cauthorn | Champion | Childers | Clemens |
| Days | Dolan | Dougherty | Foster |
| Gibbons | Goode | Griesheimer | Gross |
| Jacob | Kennedy | Kinder | Klindt |
| Loudon | Mathewson | Nodler | Quick |
| Russell | Scott | Shields | Steelman |
| Stoll | Vogel | Wheeler | Yeckel—32 |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

| | |
|---------|-----------|
| Coleman | DePasco—2 |
|---------|-----------|

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for SB 675, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 675

An Act to repeal sections 33.080, 166.300, 339.105, and 374.150, RSMo, and to enact in lieu thereof four new sections relating to certain special funds, with penalty provisions and an emergency clause.

Was taken up by Senator Gross.

On motion of Senator Gross, **SCS** for **SB 675** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-------------|----------|----------|
| Bartle | Bland | Bray | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Mathewson | Nodler | Quick | Russell |
| Scott | Shields | Steelman | Stoll |
| Vogel | Yeckel—30 | | |

NAYS—Senator Caskey—1

Absent—Senator Wheeler—1

Absent with leave—Senators

Coleman DePasco—2

The President declared the bill passed.

Senator Shields assumed the Chair.

The emergency clause was adopted by the following vote:

YEAS—Senators

| | | | |
|-------------|---------|----------|-----------|
| Bartle | Bray | Cauthorn | Champion |
| Childers | Clemens | Days | Dolan |
| Dougherty | Foster | Gibbons | Goode |
| Griesheimer | Gross | Jacob | Kennedy |
| Kinder | Klindt | Loudon | Mathewson |
| Nodler | Russell | Scott | Shields |
| Steelman | Stoll | Vogel | Yeckel—28 |

NAYS—Senator Caskey—1

Absent—Senators

Bland Quick Wheeler—3

Absent with leave—Senators

Coleman DePasco—2

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 16**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 16, Page 6, Section 16.065, Line 12, by inserting immediately after the word "Federal", the word "Funds"; and further amend said bill, section 16.095, line 9, by inserting immediately after the word "Federal", the word "Funds".

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 17**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 18**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 18, Page 2, Section 18.027, Line 7, by deleting the number “6,298,124” and inserting in lieu thereof the number “6,697,320”; and further amend said section, line 8, by deleting the number “\$18,000,000” and inserting in lieu thereof the number “\$18,399,196”.

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 18, Page 4, Section 18.090, Line 9, by inserting immediately after the word “Federal” the word “Funds”.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 19**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 19, Page 5, Section 19.110, Line 4, by inserting immediately thereafter the following new section:

“Section 19.115. To the Board of Public Buildings

For the purchase of equipment for the replacement of the Jefferson City Correctional Center

From Proceeds of Revenue Bonds . . . \$8,000,000”.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 20**, begs leave to report that it has considered the same and recommends that the bill do pass.

PRIVILEGED MOTIONS

Senator Bartle moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 427** and grant the House a conference thereon,

which motion prevailed.

Senator Yeckel moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HB 511**, as amended, and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Bartle moved that **HCS** for **HB 613**, with **SCS**, as amended, be called from the Consent Calendar and again taken up for third reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 613**, as amended, was again taken up.

Senator Bartle moved that **SCS** for **HCS** for **HB 613**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HCS** for **HB 613**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-------------|----------|----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Mathewson | Nodler | Quick | Russell |
| Scott | Shields | Steelman | Vogel |
| Wheeler | Yeckel—30 | | |

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

Coleman DePasco Stoll—3

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the

table, which motion prevailed.

Senator Dolan moved that **HS** for **HB 668**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

SA 4 was again taken up.

At the request of Senator Dolan, **SA 4** was withdrawn.

Senator Jacob offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 668, Page 12, Section 226.096, Line 13, by inserting after the word “claim”, the words: “either in court or in arbitration”.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Caskey offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 668, Page 40, Section 238.236, Line 2, by inserting after said line:

“Section 1. In a condemnation case where there are multiple ownership interests in the property proposed for condemnation, the circuit court shall separate the trust fund into the respective ownership interests.”.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Dolan moved that **SS** for **SCS** for **HS** for **HB 668**, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, **SS** for **SCS** for **HS** for **HB 668**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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|-----------|-------------|---------|----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Nodler | Quick | Russell | Scott |
| Shields | Steelman | Vogel | Wheeler |
| Yeckel—29 | | | |

NAYS—Senators—None

Absent—Senators

Bland Mathewson—2

Absent with leave—Senators

Coleman DePasco Stoll—3

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Cauthorn moved that **SB 186**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 186**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 186

An Act to repeal sections 59.041, 59.042, and 483.015, RSMo, and to enact in lieu thereof three new sections relating to recorders of deeds.

Was taken up.

Senator Childers assumed the Chair.

Senator Bartle assumed the Chair.

Senator Cauthorn moved that **HCS** for **SB 186** be adopted.

At the request of Senator Cauthorn, the above motion was withdrawn.

Senator Cauthorn moved that the Senate refuse to concur in **HCS** for **SB 186** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 289**, as amended. Representatives: Dempsey, Pearce, Yates, Curls and Meredith.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HB 511**, as amended. Representatives: May, Deeken, Yates, Seigfried and Dougherty.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 289**, as amended: Senators Steelman, Klindt, Gross, Mathewson and Goode.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 893, regarding Pierre Laclede Elementary School, St. Louis City, which was adopted.

Senator Yeckel offered Senate Resolution No. 894, regarding Kennard Classical Junior Academy,

St. Louis City, which was adopted.

Senator Clemens offered Senate Resolution No. 895, regarding Corrections Officer I Jimmie Johnson, Seymour, which was adopted.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

RESOLUTIONS

On behalf of Senator Coleman, Senator Jacob offered Senate Resolution No. 896, regarding Patria L. Sly, which was adopted.

On behalf of Senator Coleman, Senator Jacob offered Senate Resolution No. 897, regarding Alaina DeAnne Coleman, which was adopted.

Senator Champion offered Senate Resolution No. 898, regarding Steve Deulen, Springfield, which was adopted.

On behalf of Senator Coleman, Senator Jacob offered Senate Resolution No. 899, regarding Tamara Chanel Winston, Columbia, which was adopted.

Senator Mathewson offered the following resolution:

SENATE RESOLUTION NO. 900

WHEREAS, growing concerns and complexities of health issues in this state have lead to higher costs of administration and implementation of health care; and

WHEREAS, the manner in which health care is currently administered at the state level is fragmented and often unresponsive to health care issues; and

WHEREAS, the responsibility for health care policy, purchasing, planning, and regulation is spread among many different agencies and departments; and

WHEREAS, there is a need to have a central agency serve as the lead planning state entity for all health insurance and pharmacy benefit issues in the state to remedy the current situation; and

WHEREAS, the state could benefit from maximizing its

purchasing power inasmuch as the state now has none of its health care purchasing coordinated; and

WHEREAS, minimizing the duplication and maximizing the administrative efficiency in the state's health care systems by removing overlapping functions and streamlining uncoordinated programs would lead to increased cost savings to the state in a time of fiscal uncertainty; and

WHEREAS, the state has a need to develop a better health care infrastructure that is more responsive to the consumers it serves while improving access to and coverage for health care:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, hereby create a Senate interim committee to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate whereof at least three members shall be from the minority party to conduct a study to determine the feasibility of achieving the objectives of decreasing health insurance costs to all state employees and streamlining state medicaid programs to achieve cost savings, as well as the other objectives expressed herein; and

BE IT FURTHER RESOLVED that the committee and its members shall have no contact, written or oral, with the University of Missouri or any employees thereof; and

BE IT FURTHER RESOLVED that the committee shall be prohibited from requesting any research or information from the University of Missouri or any employee thereof; and

BE IT FURTHER RESOLVED that the committee shall call its first meeting within sixty days after adjournment of the Missouri Senate, Ninety-second General Assembly, First Regular Session; and

BE IT FURTHER RESOLVED that Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the committee shall perform a study of the feasibility and economic impact of achieving the objectives provided herein for submission to the Missouri Senate prior to the commencement of the Second Regular Session of the Ninety-second General Assembly; the study analysis shall include, but not be limited to, the following:

(1) An inventory of current health care and pharmacy benefit plans and related programming offered to state retirees and their dependents and state beneficiaries and their dependents;

(2) The financial feasibility and programming implications of integrating benefit plans, or portions thereof, to achieve financial economies to the state and state retirees and their dependents and state beneficiaries and their dependents;

(3) A prioritized analysis of infrastructure and appropriations necessary to adequately implement any committee recommendation; and

(4) If, by a majority vote of the members of the committee, a determination is made that one of the existing health or pharmacy benefit plans of one of the member agencies, or any part thereof, would be better served by being excluded from the Division of Community Health, such determination and a detailed analysis thereof shall be included; and

BE IT FURTHER RESOLVED that the committee shall be authorized to contract for consulting services, subject to appropriation, to assist with the requirements of the study.

PRIVILEGED MOTIONS

Senator Nodler moved that **SS** for **SCS** for **SCR 13**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Nodler moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | |
|-------------|----------|---------|-----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dougherty | Foster | Gibbons | Goode |
| Griesheimer | Gross | Jacob | Kennedy |
| Kinder | Klindt | Loudon | Mathewson |
| Nodler | Russell | Scott | Shields |
| Steelman | Vogel | Wheeler | Yeckel—28 |

NAYS—Senators—None

Absent—Senators

| | | |
|-------|-------|---------|
| Bland | Dolan | Quick—3 |
|-------|-------|---------|

Absent with leave—Senators

| | | |
|---------|---------|---------|
| Coleman | DePasco | Stoll—3 |
|---------|---------|---------|

On motion of Senator Nodler, **SS** for **SCS** for **SCR 13**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|----------|----------|---------|----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |

| | | | |
|-------------|-----------|---------|-----------|
| Dolan | Dougherty | Foster | Gibbons |
| Griesheimer | Gross | Jacob | Kennedy |
| Kinder | Klindt | Loudon | Mathewson |
| Nodler | Russell | Scott | Shields |
| Steelman | Vogel | Wheeler | Yeckel—28 |

NAYS—Senators—None

Absent—Senators

| | | |
|-------|-------|---------|
| Bland | Goode | Quick—3 |
|-------|-------|---------|

Absent with leave—Senators

| | | |
|---------|---------|---------|
| Coleman | DePasco | Stoll—3 |
|---------|---------|---------|

The President declared the concurrent resolution passed.

On motion of Senator Nodler, title to the concurrent resolution was agreed to.

Senator Nodler moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SR 900** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 246**, entitled:

An Act to repeal sections 386.120, 386.210, and 392.200, RSMo, and to enact in lieu thereof sixteen new sections relating to the regulation of utilities, with penalty provisions.

With House Amendments Nos. 1, 3, House Substitute Amendment No. 1 for House Amendment No. 4, and House Amendment No. 6.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 246, Page 9, Section 386.374, Line 22, by inserting after all of said line the following:

“386.756. 1. Except by an affiliate, a utility may not engage in HVAC services, unless otherwise provided in subsection 7 or subsection 8 of this section.

2. No affiliate or utility contractor may use any vehicles, service tools, instruments, employees, or any other utility assets, the cost of which are recoverable in the regulated rates for utility service, to engage in HVAC services unless the utility is compensated for the use of such assets at cost to the utility.

3. A utility may not use or allow any affiliate or utility contractor to use the name of such utility to engage in HVAC services unless the utility, affiliate or utility contractor discloses, in plain view and in bold type on the same page as the name is used on all advertisements or in plain audible language during all solicitations of such services, a disclaimer that states the services provided are not regulated by the public service commission.

4. A utility may not engage in or assist any affiliate or utility contractor in engaging in HVAC services in a manner which subsidizes the activities of such utility, affiliate or utility contractor to the extent of changing the rates or charges for the utility's regulated services above or below the rates or charges that would be in effect if the utility were not engaged in or assisting any affiliate or utility contractor in engaging in such activities.

5. Any affiliates or utility contractors engaged in HVAC services shall maintain accounts, books and records separate and distinct from the utility.

6. The provisions of this section shall apply to any affiliate or utility contractor engaged in HVAC services that is owned, controlled or under

common control with a utility providing regulated utility service in this state or any other state.

7. A utility engaging in HVAC services in this state five years prior to August 28, 1998, may continue providing, to existing as well as new customers, the same type of services as those provided by the utility five years prior to August 28, 1998. **The provisions of this section only apply to the area of service which the utility was actually supplying service to on a regular basis prior to August 28, 1993. The provisions of this section shall not apply to any subsequently expanded areas of service made by a utility through either existing affiliates or subsidiaries or through affiliates or subsidiaries purchased after August 28, 1993, unless such services were being provided in the expanded area prior to August 28, 1993.**

8. The provisions of this section shall not be construed to prohibit a utility from providing emergency service, providing any service required by law or providing a program pursuant to an existing tariff, rule or order of the public service commission.

9. A utility that violates any provision of this section is guilty of a civil offense and may be subject to a civil penalty of up to twelve thousand five hundred dollars for each violation. **The attorney general may enforce the provisions of this section pursuant to any powers granted to him or her pursuant to any relevant provisions provided by Missouri statutes or the Missouri Constitution.**

10. **Any utility claiming an exemption as provided in subsection 7 of this section shall comply with all applicable state and local laws, ordinances or regulations relating to the installation or maintenance of HVAC systems including all permit requirements. A continuing pattern of failure to comply with said requirements shall provide the basis for a finding by any court of competent jurisdiction or the public service commission that the utility**

has waived its claim of exemption pursuant to subsection 7 of this section.

11. A utility which sells gas fired appliances shall perform all installation, maintenance and service of said appliances with its own employees.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 246, Page 34, Section 393.1006, Line 5, by inserting after the word and period “ISRS.” the following:

“In the event of a refund, the water corporation shall pay interest on the overcollected revenues pursuant to the ISRS.”.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 246, Page 16, Section 392.200.11, Line 14, by deleting subsection 11 and adding in lieu thereof a new subsection 11 as follows:

“11. Consistent with and subject to the terms of section 392.200.2, every telecommunications company is authorized to offer discounted rates or other special promotions on any of its telecommunications services to any new or former customers.”.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 246, Page 42, Section 393.1015, Line 11, by inserting after the word and period “charge” the following:

“In the event of a refund, the gas corporation shall pay interest on the overcollected revenues pursuant to the ISRS.”.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 427**. Representatives: Byrd, Stevenson, Mayer, Willoughby and Bishop.

PRIVILEGED MOTIONS

Senator Steelman moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 246**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Yeckel moved that **HCS** for **HB 73**, with **SS** (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

SS for **HCS** for **HB 73** was again taken up.

Senator Yeckel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 73, Page 2, Section 166.435, Lines 19-29 of said page, by striking all of said lines; and

Further amend said bill and section, Page 3, Lines 1 to 4, by striking all of said line and inserting in lieu thereof the following: "**143.121, RSMo.** Annual contributions [up to and including eight thousand dollars made to the savings program shall be subtracted from] **made to the savings program held by the board and any similar program sponsored, held, or otherwise authorized by law by this state or any other state or subdivision thereof qualified pursuant to Section 529 of the Internal Revenue Code for**

the tax year beginning on or after January 1, 2004, and every tax year thereafter for the participant taxpayer, shall not be subtracted in determining Missouri adjusted gross income pursuant to section 143.121, RSMo."

Senator Yeckel moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 73, Page 3, Section 166.500, Line 16, by inserting before "**Missouri**" on said line: "**Anita Yeckel**".

Senator Caskey moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SSA 1** for **SA 1** is out of order, as it is not a true substitute amendment.

At the request of Senator Caskey, **SSA 1** for **SA 1** was withdrawn, rendering the point of order moot.

SA 1 was again taken up.

Senator Jacob offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 73, Page 1, Line 15, by adding after said line the following: "Further amend said section, page 3, line 5, by striking the word "deductible".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SS** for **HCS** for **HB 73**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SS** for **HCS** for **HB 73**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-------------|-----------|-----------|----------|
| Bartle | Cauthorn | Champion | Childers |
| Clemens | Dolan | Foster | Gibbons |
| Griesheimer | Gross | Kennedy | Kinder |
| Klindt | Loudon | Mathewson | Nodler |
| Russell | Scott | Shields | Steelman |
| Vogel | Yeckel—22 | | |

NAYS—Senators

| | | | |
|-----------|------------|--------|-------|
| Bland | Bray | Caskey | Days |
| Dougherty | Goode | Jacob | Quick |
| Stoll | Wheeler—10 | | |

Absent—Senators—None

Absent with leave—Senators

Coleman DePasco—2

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Dolan moved that **SB 289**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Dolan moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | |
|--------|-------|------|--------|
| Bartle | Bland | Bray | Caskey |
|--------|-------|------|--------|

| | | | |
|----------|-----------|-------------|-----------|
| Cauthorn | Champion | Childers | Clemens |
| Days | Dolan | Dougherty | Foster |
| Gibbons | Goode | Griesheimer | Gross |
| Jacob | Kennedy | Kinder | Klindt |
| Loudon | Mathewson | Nodler | Quick |
| Russell | Scott | Shields | Steelman |
| Stoll | Vogel | Wheeler | Yeckel—32 |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman DePasco—2

On motion of Senator Dolan, **SB 289**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-------------|-----------|---------|
| Bartle | Bland | Bray | Caskey |
| Cauthorn | Champion | Childers | Clemens |
| Days | Dolan | Dougherty | Foster |
| Gibbons | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Mathewson | Nodler | Quick | Russell |
| Scott | Shields | Steelman | Stoll |
| Vogel | Wheeler | Yeckel—31 | |

NAYS—Senators—None

Absent—Senator Goode—1

Absent with leave—Senators

Coleman DePasco—2

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Klindt, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 407** moved that the following conference committee report be taken up, which motion prevailed:

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 407

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 407 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 407;

2. That the Senate recede from its position on Senate Bill No. 407;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 407, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

- /s/ David G. Klindt /s/ Blaine Luetkemeyer
- /s/ John Loudon /s/ Sherman Parker
- /s/ Delbert Scott /s/ Ronald Richard
- /s/ Harry Kennedy /s/ Dan Ward
- /s/ Stephen Stoll /s/ Albert Liese

Senator Klindt moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | |
|-----------|-------------|----------|----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Mathewson | Nodler | Quick | Russell |
| Scott | Shields | Steelman | Vogel |

Wheeler Yeckel—30

NAYS—Senators—None

Absent—Senators

Bland Stoll—2

Absent with leave—Senators

Coleman DePasco—2

On motion of Senator Klindt, **CCS** for **HCS** for **SB 407**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 407

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for cancer.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-------------|-----------|---------|-----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Griesheimer | Gross | Jacob | Kennedy |
| Kinder | Klindt | Loudon | Mathewson |
| Nodler | Quick | Russell | Scott |
| Shields | Steelman | Stoll | Vogel |
| Wheeler | Yeckel—30 | | |

NAYS—Senators—None

Absent—Senators

Bland Goode—2

Absent with leave—Senators

Coleman DePasco—2

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**; and **SS** for **SCS** for **SB 346**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS No. 2 for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**, introduced by Senator Gross, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 248, 100, 118, 233, 247,
341 and 420

An Act to repeal sections 84.140, 86.690, 104.010, 104.040, 104.110, 104.271, 104.370, 104.1003, 104.1024, 169.030, 169.050, 169.056, 169.070, 169.560, 169.570, 169.577, 169.590, 169.620, 169.650, 169.655, 169.670, 169.712, and 287.845, RSMo, and to enact in lieu thereof thirty-four new sections relating to the retirement systems and benefits, with penalty provisions and an emergency clause for certain sections.

Was taken up.

On motion of Senator Gross, **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-------------|----------|----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Mathewson | Nodler | Quick | Russell |
| Scott | Shields | Steelman | Stoll |

Vogel Wheeler Yeckel—31

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

Coleman DePasco—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

| | | | |
|-------------|-----------|---------|-----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Griesheimer | Gross | Jacob | Kennedy |
| Kinder | Klindt | Loudon | Mathewson |
| Nodler | Quick | Russell | Scott |
| Shields | Steelman | Stoll | Vogel |
| Wheeler | Yeckel—30 | | |

NAYS—Senators—None

Absent—Senators

Bland Goode—2

Absent with leave—Senators

Coleman DePasco—2

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 346**, introduced by Senator Yeckel, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 346

An Act to repeal sections 59.163, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170,

362.295, 362.910, 362.923, 369.159, 400.9-525, 407.433, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.653, 408.654, and 447.510, RSMo, and to enact in lieu thereof twenty-four new sections relating to banking, with an effective date for a certain section and penalty provisions.

Was taken up.

On motion of Senator Yeckel, **SS** for **SCS** for **SB 346** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-------------|-----------|----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Mathewson | Nodler | Quick | Russell |
| Scott | Shields | Steelman | Stoll |
| Vogel | Wheeler | Yeckel—31 | |

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

| | |
|---------|-----------|
| Coleman | DePasco—2 |
|---------|-----------|

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HBs 346** and **174**, with **SCS**, entitled:

An Act to repeal sections 105.269, 169.030, 169.050, 169.056, 169.070, 169.570, 169.577, 169.590, 169.620, 169.650, 169.655, and 169.670, RSMo, and to enact in lieu thereof fifteen new

sections relating to the public school retirement system, with penalty provisions and an emergency clause.

Was called from the Informal Calendar and taken up by Senator Foster.

SCS for **HCS** for **HBs 346** and **174**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 346 and 174

An Act to repeal sections 169.030, 169.050, 169.056, 169.070, 169.570, 169.577, 169.590, 169.620, 169.650, 169.655, 169.670, and 169.712, RSMo, and to enact in lieu thereof seventeen new sections relating to the public school retirement system, with penalty provisions and an emergency clause.

Was taken up.

Senator Foster moved that **SCS** for **HCS** for **HBs 346** and **174**, be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **HCS** for **HBs 346** and **174**, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|----------|-------------|---------|----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Nodler | Quick | Russell | Scott |
| Shields | Steelman | Stoll | Vogel |
| Wheeler | Yeckel—30 | | |

NAYS—Senators—None

Absent—Senators

| | |
|-------|-------------|
| Bland | Mathewson—2 |
|-------|-------------|

Absent with leave—Senators

| | |
|---------|-----------|
| Coleman | DePasco—2 |
|---------|-----------|

The President declared the bill passed.

The emergency clause was adopted by the following vote:

| YEAS—Senators | | | |
|---------------|-----------|---------|-----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Foster | Gibbons | Goode |
| Griesheimer | Gross | Jacob | Kennedy |
| Kinder | Klindt | Loudon | Mathewson |
| Nodler | Quick | Russell | Scott |
| Shields | Steelman | Stoll | Vogel |
| Wheeler | Yeckel—30 | | |

NAYS—Senators—None

| Absent—Senators | |
|-----------------|-------------|
| Bland | Dougherty—2 |

| Absent with leave—Senators | |
|----------------------------|-----------|
| Coleman | DePasco—2 |

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Bartle assumed the Chair.

HCS for HB 16, with SCA 1, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2003 and ending June 30, 2005.

Was taken up by Senator Russell.

SCA 1 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Russell, **HCS for HB 16**, as amended, was read the 3rd time and

passed by the following vote:

| YEAS—Senators | | | |
|---------------|-------------|---------|----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Mathewson | Nodler | Russell | Scott |
| Shields | Steelman | Stoll | Vogel |
| Yeckel—29 | | | |

NAYS—Senator Bland—1

| Absent—Senators | |
|-----------------|-----------|
| Quick | Wheeler—2 |

| Absent with leave—Senators | |
|----------------------------|-----------|
| Coleman | DePasco—2 |

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for HB 17, with SCS, entitled:

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

Was taken up by Senator Russell.

SCS for HCS for HB 17, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 17

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and

the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 17** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 17** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-------------|---------|----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Mathewson | Nodler | Russell | Scott |
| Shields | Steelman | Stoll | Vogel |
| Wheeler | Yeckel—30 | | |

NAYS—Senator Bland—1

Absent—Senator Quick—1

Absent with leave—Senators

| | |
|---------|-----------|
| Coleman | DePasco—2 |
|---------|-----------|

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 18**, with **SCAs 1** and **2**, entitled:

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

Was taken up by Senator Russell.

SCA 1 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Russell, **HCS** for **HB 18**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-------------|-----------|----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Kennedy |
| Kinder | Loudon | Mathewson | Nodler |
| Quick | Russell | Scott | Shields |
| Steelman | Stoll | Vogel | Wheeler |
| Yeckel—29 | | | |

NAYS—Senator Bland—1

Absent—Senators

| | |
|-------|----------|
| Jacob | Klindt—2 |
|-------|----------|

Absent with leave—Senators

| | |
|---------|-----------|
| Coleman | DePasco—2 |
|---------|-----------|

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 19**, with **SCA 1**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain

funds.

Was taken up by Senator Russell.

SCA 1 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Russell, **HCS for HB 19**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-------------|----------|----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Mathewson | Nodler | Quick | Russell |
| Scott | Shields | Steelman | Stoll |
| Vogel | Yeckel—30 | | |

NAYS—Senator Bland—1

Absent—Senator Wheeler—1

Absent with leave—Senators

| | |
|---------|-----------|
| Coleman | DePasco—2 |
|---------|-----------|

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for HB 20, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2003 and ending June 30, 2005.

Was taken up by Senator Russell.

On motion of Senator Russell, **HCS for HB 20** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|---------|-----------|-----------|----------|
| Caskey | Cauthorn | Champion | Childers |
| Clemens | Dolan | Dougherty | Gibbons |
| Goode | Gross | Jacob | Kinder |
| Klindt | Loudon | Mathewson | Nodler |
| Russell | Scott | Shields | Steelman |
| Vogel | Yeckel—22 | | |

NAYS—Senators

| | | | |
|--------|-------------|---------|-------|
| Bartle | Bland | Bray | Days |
| Foster | Griesheimer | Kennedy | Quick |
| Stoll | Wheeler—10 | | |

Absent—Senators—None

Absent with leave—Senators

| | |
|---------|-----------|
| Coleman | DePasco—2 |
|---------|-----------|

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Cauthorn moved that **SCS for SB 84**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SB 84, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 84

An Act to repeal sections 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

Was taken up.

Senator Cauthorn moved that **HCS** for **SCS** for **SB 84**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | |
|-----------|-------------|---------|----------|
| Bartle | Bland | Bray | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Mathewson | Nodler | Russell | Scott |
| Shields | Steelman | Stoll | Vogel |
| Wheeler | Yeckel—30 | | |

NAYS—Senator Caskey—1

Absent—Senator Quick—1

Absent with leave—Senators

| | |
|---------|-----------|
| Coleman | DePasco—2 |
|---------|-----------|

Senator Childers assumed the Chair.

Senator Bartle assumed the Chair.

On motion of Senator Cauthorn, **HCS** for **SCS** for **SB 84**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-------------|-----------|----------|
| Bartle | Bray | Cauthorn | Champion |
| Childers | Clemens | Dougherty | Foster |
| Gibbons | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Mathewson | Nodler | Russell | Scott |
| Shields | Steelman | Stoll | Vogel |
| Yeckel—25 | | | |

NAYS—Senators

| | | | |
|--------|------|-------|-----------|
| Caskey | Days | Goode | Wheeler—4 |
|--------|------|-------|-----------|

Absent—Senators

| | | |
|-------|-------|---------|
| Bland | Dolan | Quick—3 |
|-------|-------|---------|

Absent with leave—Senators

| | |
|---------|-----------|
| Coleman | DePasco—2 |
|---------|-----------|

The President declared the bill passed.

On motion of Senator Cauthorn, title to the

bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Russell moved that **SB 275**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 275**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 275

An Act to repeal section 2, as enacted by senate bill no. 1168, ninety-first general assembly, second regular session, section 2, as enacted by senate committee substitute for house bill no. 1811, ninety-first general assembly, second regular session, and section 3, as enacted by senate bill no. 1041, ninety-first general assembly, second regular session relating to conveyance of property owned by the state, and to authorize the conveyance of property owned by the state in the county of Cole to the Missouri state penitentiary redevelopment commission.

Was taken up.

Senator Russell moved that **HCS** for **SB 275** be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | |
|-----------|-------------|-----------|----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Mathewson | Nodler | Quick | Russell |
| Scott | Shields | Steelman | Stoll |
| Vogel | Wheeler | Yeckel—31 | |

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

Coleman DePasco—2

On motion of Senator Russell, **HCS** for **SB 275** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-------------|-----------|----------|
| Bartle | Bray | Caskey | Cauthorn |
| Champion | Childers | Clemens | Days |
| Dolan | Dougherty | Foster | Gibbons |
| Goode | Griesheimer | Gross | Jacob |
| Kennedy | Kinder | Klindt | Loudon |
| Mathewson | Nodler | Quick | Russell |
| Scott | Shields | Steelman | Stoll |
| Vogel | Wheeler | Yeckel—31 | |

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

Coleman DePasco—2

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Steelman moved that the conferees on **SS** for **SCS** for **HCS** for **HB 289**, as amended, be allowed to exceed the differences for the purpose of adding natural disaster relief language, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **SCS No. 2** for **SB 1**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute No. 2 for Senate Bill No. 1, Section 306.127, Page 1, Line 3, by deleting all of said line and inserting in lieu thereof the following:

“operates a vessel on the lakes”; and

Further amend said bill, Section 306.127, Page 2, Lines 39 and 40, by deleting all of said lines; and

Further amend said bill in the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 540**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 540, Page 2, Section 311.195, Lines 15-17, by striking the following: “, nor have a direct or indirect financial interest in any business of any other person or corporation, or of any employee, officer, agent, subsidiary, or affiliate thereof.”.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **SS** for **SS** for **SCS** for **HCS** for **HB 600** be allowed to exceed the differences by allowing them to add an amended Section 136.320 RSMo.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 261** and has taken up and passed **HB 261**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 371** and has taken up and passed **SCS** for **HCS** for **HB 371**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HB 392** and has taken up and passed **SCS** for **HCS** for **HB 392**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCS** for **HB 394** and has taken up and passed **HCS** for **HB 394**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 491** and has taken up and passed **SCS** for **HB 491**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 512** and has taken up and passed **SCS** for **HB 512**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 521** and has taken up and passed **SCS** for **HB 521**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 552** and has taken

up and passed **SCS** for **HB 552**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 2** for **SCS** for **SB 55**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 13** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS** for **HB 613** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 575** and has taken up and passed **SCS** for **HCS** for **HB 575**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 246**, as amended, and grants the Senate a conference thereon.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 665—Education.

HCS for **HB 702**—Transportation.

HS for **HCS** for **HB 455**—Aging, Families, Mental and Public Health.

HCS for **HB 640**—Financial and Governmental Organization, Veterans' Affairs and Elections.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 13** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 427**: Senators Bartle, Wheeler, Bray, Klindt and Shields.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 511**, as amended: Senators Yeckel, Bartle, Scott, Stoll and Days.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 901, regarding Premium Standard Farms, Milan, which was adopted.

Senator Caskey offered Senate Resolution No. 902, regarding Commander Gary L. Peters, Belton, which was adopted.

Senator Vogel offered Senate Resolution No. 903, regarding the Ninth Street Christian Church, Eldon, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Jeff Michalski, M.D., St. Louis.

Senator Cauthorn introduced to the Senate, Melissa, Richie, Isabella, and Samantha Lay, and Janice Jones, Lewistown.

On behalf of Senator Stoll, Senator Kennedy introduced to the Senate, John and Kay Stewart, and their children, Ian, Christian, and Justus, Hillsboro; and Ian, Christian, and Justus were made honorary pages.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-NINTH DAY—THURSDAY, MAY 8, 2003

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,
103, 156 & 329-Steelman
(In Fiscal Oversight)

HOUSE BILLS ON THIRD READING

- | | |
|--|---|
| 1. HS for HB 470-Mayer, with SCS (Bartle) | 6. HB 598-Schlottach, et al, with SCS (Dolan) |
| 2. HB 198-Stevenson, et al (Nodler) | 7. HB 327-Lipke, with SCS (Dolan) |
| 3. HS for HB 197-Johnson (47), with SCS & SCA 1 (Shields) | 8. HCS for HB 185, with SCS (Gross) |
| 4. HS for HCS for HB 564- Behnen, with SCS (Yeckel) | 9. HB 91-Mayer, with SCS (Steelman) |
| 5. HS for HCS for HB 228- Pearce, with SCS (Goode) | 10. HS for HCS for HBs 679 & 396-Hanaway (Shields) |

Unofficial

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 18-Yeckel and Cauthorn, with SCS & SS for SCS (pending) | SBs 343, 89, 134, 171, 240, 261, 331, 368, 369, 419, 484 & 581-Dolan, with SCS |
| SB 24-Steelman, with SCS & SS for SCS (pending) | SB 347-Loudon, et al, with SCS |
| SB 27-Gibbons, with SCS | SB 362-Steelman and Gross |
| SB 33-Loudon and Scott, with SS (pending) | SBs 381, 384, 432 & 9-Dolan, with SCS & SS for SCS (pending) |
| SB 51-Shields, with SS, SS for SS & SA 1 (pending) | SBs 415, 88, 200, 223, 413, 523, 589 & 626-Yeckel, with SCS |
| SB 112-Loudon, with SCS | SB 416-Yeckel, with SCS |
| SBs 125 & 290-Goode, with SCS & SA 6 (pending) | SB 434-Yeckel, with SCS |
| SB 209-Steelman, et al, with SCS | SB 436-Klindt, with SCS, SS for SCS & SA 2 (pending) |
| SB 217-Champion and Clemens, with SS (pending) | SB 446-Bartle, with SCS |
| SB 241-Yeckel, with SCS | SB 449-Bartle |
| SB 253-Steelman, et al, with SCS, SS for SCS & SA 1 (pending) | SB 450-Mathewson, et al, with SCS, SS for SCS & SA 2 (pending) |
| SB 300-Cauthorn, et al, with SCS | SB 455-Dougherty and Shields |
| SBs 312, 49, 111, 113, 191, 206, 263, 404, 409, 418, 538, 550 & 584-Dolan, et al, with SCS | SB 458-Childers |
| | SB 460-Loudon, with SS & SA 1 (pending) |

SB 476-Jacob
SB 485-Shields, with SCS
SB 531-Childers, with SCS
SB 564-Gross

SB 685-Gibbons, et al, with SCS
SB 693-Klindt, et al, with SCS
SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 144, with SCS
(Vogel)
HB 208-Engler, et al,
with SCS (Kinder)
HS for HCS for HB 257-
Munzlinger, with SCS
(Cauthorn)
HB 286-Bearden, with SCS
(Shields)
HCS for HB 288, with SCS
(Shields)

HS for HCS for HB 321-
Wilson (130), with SS &
SS for SS (pending) (Loudon)
HB 412-Goodman, et al (Childers)
HB 444-Jackson, with SCS
(Yeckel)
HB 445-Portwood, et al,
with SCS (Loudon)
HS for HCS for HBs 517, 94,
149, 150 & 342-Portwood,
with SCS (Gross)

CONSENT CALENDAR

Journal
Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS
SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 307-Merideth and
Shoemaker (Foster)

HB 505-Byrd and Villa,
with SCS (Mathewson)

SENATE BILLS WITH HOUSE AMENDMENTS

| | |
|--|--|
| SCS#2 for SB 1-Russell, with HA 1 | SCS for SB 373-Bartle, with HCS |
| SCS for SB 69-Yeckel and Nodler, with HCS | SB 399-Caskey, with HCS |
| SCS for SB 281-Shields, with HCS | SB 423-Childers, with HCA 1 |
| SCS for SB 295-Shields, with HCS | SCS for SB 447-Bartle, with HCA 1 |
| SCS for SB 296-Griesheimer, with HS for HCS, as amended | SB 465-Bartle, with HCS |
| SS for SCS for SB 298- Griesheimer, with HCS, as amended | SB 468-Bartle, with HCA 1 |
| SB 301-Bray, with HCS | SB 470-Bartle, with HCS |
| SB 325-Steelman, with HCS | SB 474-Bartle, with HCS |
| SB 355-Stoll, with HCS | SB 504-Clemens and Champion, with HCS |
| SCS for SB 358-Shields, with HCS | SB 521-Gross, with HCS |
| SB 370-Foster, with HCS | SB 540-Gross, with HA 1 |
| | SCS for SB 547-Caskey, with HCS |
| | SCS for SB 592-Foster, with HCS |
| | SCS for SB 666-Bland, with HCS |

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

| | |
|---|---|
| SS for SCS for SB 36-Klindt, with HCS, as amended | SB 407-Klindt, with HCS (Senate adopted CCR and passed CCS) |
| SCS#2 for SB 52-Shields, with HCS (Senate adopted CCR and passed CCS) | SB 448-Bartle, with HCS |
| SCS for SB 246-Steelman, et al, with HS for HCS, as amended | SB 552-Yeckel, with HCS |
| SCS for SBs 299 & 40- Champion, et al, with HS, as amended | HS for HB 2-Bearden, with SCS, as amended (Russell) |
| SCS for SB 379-Champion, with HCS | HS for HB 3-Bearden, with SCS, as amended (Russell) |
| SB 394-Bartle, with HCS, as amended | HS for HB 4-Bearden, with SCS, as amended (Russell) |
| SB 401-Dolan, et al, with HCS | HS for HB 5-Bearden, with SCS, as amended (Russell) |
| | HS for HB 6-Bearden, with SCS, as amended (Russell) |

HS for HB 7-Bearden, with
SCS (Russell)
 HS for HB 8-Bearden, with
SCS, as amended (Russell)
 HS for HB 9-Bearden, with
SCS, as amended (Russell)
 HS for HB 10-Bearden, with
SCS, as amended (Russell)
 HS for HB 11-Bearden, with
SCS, as amended (Russell)
 HS for HB 12-Bearden, with
SCS, as amended (Russell)

HCS for HB 13, with SCS
(Russell)
 HCS for HB 289, with SS for
SCS, as amended (Steelman)
 HCS for HB 427, with SCS
(Bartle)
 HS for HB 511-Deeken, with SS
for SCS, as amended (Yeckel)
 HCS for HB 600, with SS for SS
for SCS, as amended (Shields)

Unofficial

Requests to Recede or Grant Conference

SB 186-Cauthorn, with HCS
(Senate requests House
recede or grant conference)

HCS for HB 613, with SCS,
as amended (Bartle)
(House requests Senate
recede or grant conference)

Journal

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Copy

Reported from Committee

SR 30-Shields, with SCS, SS
for SCS & SA 1 (pending)
 SCR 4-Jacob
 HCR 15-Behnen (Cauthorn)

SCR 17-Cauthorn, et al
 SCR 18-Mathewson and Steelman
 HCR 11-Moore and Walton
(Bland)